

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RBH ENERGY, LLC,

Plaintiff,

v.

GREATER METROPLEX.

INTERIORS, INC.

Defendant.

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Case No.: _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant Greater Metroplex Interiors, Inc. (“GMI”), and requests relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 112 N. Bailey Ave. #B, Fort Worth, TX 76107.

2. GMI is for-profit corporation organized under the laws of the State of Texas with its principle place of business located at 2020 Continental Blvd., Southlake, Texas 76092. It can be served at the same location by and through its registered agent for service of process, Joan Darden.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

4. This Court has jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2), 1391(d), and 1400(a).

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 672-978 (“Copyright”) titled Brian Harness Photography Collection 2005 Vol. II. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness (“Harness”). *See id.*

9. On September 10, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B.

10. Harness, a professional photographer, is the sole member of RBH.

11. On July 23, 2007, Harness entered into a license (“Alliance License”) with Alliance Architects in Richardson, Texas to take architectural photographs of the Denton Bible Church in Denton, TX. A true and correct copy of the Alliance License is attached hereto as Exhibit C.

12. The Alliance License called for Harness to deliver five photographs to Alliance Architects, and granted Alliance Architects the following license: “License: Use in Alliance Architects brochures and www.alliance.com website.” *See* Exhibit C at 1.

13. The Alliance License set forth that it was not transferrable: “All rights not expressly licensed to Client in writing remain the exclusively property of the Photographer.” *See id.* at 2. As such, no person other than Alliance Architects had any rights, either express or implied, to use the photographs subject to the Alliance License without the express permission of Harness, or now, RBH.

14. All photos subject to the Alliance License were registered as a collection of photographs submitted as part of U.S. Copyright No. VAu 672-978.

15. The photos that were provided to Alliance Architects were registered with U.S. Copyright on July 5, 2005. *See* Exhibit A.

16. One of the photos of the Denton Bible Church that was subject to the Alliance License, and included as part of the Copyright, is the following exterior photo of the Denton Bible Church:



17. Defendant GMI, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website: <http://greatermetroit.com/projects/Religious/?DentonBibleChurch>. A true and correct copy of a screenshot (captured on May 9, 2013) of this web page is attached hereto as Exhibit D.

GMI, Commercial Drywall and Acoustical since 1978

5/9/13 7:58 PM



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Denton Bible Church



Denton Bible Church

City:

Denton, TX

Description:

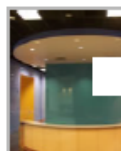
New campus relocation of the Denton Bible Church. GMI's scope included exterior framing, sheathing, interior drywall, doors, acoustical ceilings, and drywall ceilings.

Square Feet:

150,000

Contract Value:

\$1 Million



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Greater Metroplex Interiors, Inc. © 2013 | Website Development by The Hage Group

18. The photograph, noted above, remained on GMI's website until sometime after April 13, 2013.

19. Because GMI had no permission to use the protected photograph, GMI is liable for direct copyright infringement.

COUNT 1 – COPYRIGHT INFRINGEMENT

20. RBH realleges paragraphs 1 through 19 as if set fully herein.

21. RBH alleges GMI is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

22. RBH has been damaged by GMI's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendant Greater Metroplex Interiors, Inc. be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendant Greater Metroplex Interiors, Inc. be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- c. Defendant Greater Metroplex Interiors, Inc. pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- d. Defendant Greater Metroplex Interiors, Inc. pay pre-judgment and post-judgment interest on any damages awarded; and
- e. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: February 10, 2016

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
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